

## **§ 966.88**

### **§ 966.88 Agents.**

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

### **§ 966.89 Derogation.**

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

### **§ 966.90 Personal liability.**

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee except for acts of dishonesty, willful misconduct, or gross negligence.

### **§ 966.91 Separability.**

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

### **§ 966.92 Amendments.**

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

## **Subpart—Rules and Regulations**

SOURCE: 21 FR 353, Jan. 19, 1956, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

## **7 CFR Ch. IX (1–1–08 Edition)**

### **GENERAL**

### **§ 966.100 Communications.**

Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the Florida Tomato Committee at its principal office.

### **DEFINITIONS**

### **§ 966.110 Order.**

*Order* means Order No. 966 (§§ 966.1 to 966.92) regulating the handling of tomatoes grown in Florida.

### **§ 966.111 Marketing Agreement.**

*Marketing Agreement* means Marketing Agreement No. 125.

### **§ 966.112 Terms.**

Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

### **§ 966.113 Registered handler certification.**

Each handler who handles tomatoes grown in the production area must be certified as a registered handler by the committee in order to ship such tomatoes outside of the regulated area. A handler who is certified as a registered handler is a handler who has adequate facilities to meet the requirements for preparing tomatoes for market, obtains inspection on tomatoes handled, agrees to handle tomatoes in compliance with the order's grade, size and container requirements, pays applicable assessments on a timely basis, submits reports required by the committee, and agrees to comply with other regulatory requirements on the handling of tomatoes grown in the production area.

(a) Based on the criteria specified in this section, the committee shall determine eligibility for certification as a registered handler. The committee or its authorized agent shall inspect a handler's facilities to determine if the facilities are adequate for preparing tomatoes for market. In order to be adequate for such purposes, the facilities